

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RICHARD CLEMONS, #232413

Petitioner,

Civil No: 06-11558

Honorable Marianne O. Battani  
Magistrate Paul J. Komives

v.

WARDEN THOMAS BIRKETT,

Respondent.

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**ORDER DENYING MOTION FOR COURT TO TAKE JUDICIAL NOTICE**

Petitioner, Richard Clemons, filed a *pro se* request for Writ of Habeas Corpus pursuant to 28 U.S.C. §2254 on March 31, 2006. On April 18, 2006, this Court summarily dismissed the petition without prejudice for failure to exhaust state court remedies. A judgment of dismissal was entered on the same day. Petitioner subsequently filed objections to the Court's dismissal of his petition, which was treated as a Motion for Reconsideration, and it was denied on May 3, 2006. Also on May 3, 2006, Petitioner filed this Motion for the Court to Take Judicial Notice relative to his alleged lack of judicial remedies in this case. In light of the fact that Petitioner no longer has a pending case in this matter, the Court finds the Motion for the Court to Take Judicial Notice moot.

Accordingly,

IT IS HEREBY ORDERED that the Motion for the Court to Take Judicial Notice [Doc. #1-7, filed May 3, 2006] is **DENIED** as moot.

s/Marianne O. Battani  
HONORABLE MARIANNE O. BATTANI  
UNITED STATES DISTRICT COURT

Dated: May 8, 2006